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SUBJECT: PANAMA: WHITE PAPER LAYS OUT POLICY ON COLOMBIAN
REFUGEES

SUMMARY

¶1. (U) Panama's MFA and Council for Public Security and National Defense (CSPDN) separately provided Embassy Panama a copy of the GOP's white paper on "Displaced Colombians on the Border" in March. Regarding Colombian refugees, this paper states:

- Panama has an obligation to guard its border from illegal intruders;
- The primary responsibility for Colombian refugees lies with the GOC;
- Colombian refugees will not be granted legal refugee status in accordance with international conventions because persecution is perpetuated by guerillas, not the GOC;
- The GOP has an obligation to grant displaced populations temporary humanitarian protection;
- Repatriation of Colombian citizens is the preferred solution (when it is safe to do so).

Post will provide WHA/CEN and WHA/AND with a Spanish language copy of this white paper.

¶2. (U) Panama recognizes the need for temporary humanitarian assistance for Colombian refugees. However, the GOP maintains a position that the Refugee Treaty of 1951 and its 1967 protocol cannot be applied to the current Colombian refugee situation because these refugees are fleeing from persecution at the hands of guerilla fighters-- not the Colombian government. The GOP says that the GOC is a legitimate democracy, and were it to characterize the guerilla groups as "armed actors," Panama would be conferring legitimacy and granting belligerent status to these groups.

¶3. (U) Panama, against the wishes of the UN High Commission on Refugees (UNHCR), is unwilling to grant Colombian refugees automatic and indiscriminate legal refugee status. The GOP complains that it lacks the resources to indefinitely provide for these people and that more multilateral action should be taken to confront this problem. Since these refugees are the product of a "temporary and localized problem" according to the GOP, the GOP should not be obligated to do more than provide temporary humanitarian assistance. They maintain the stance that the UN should emphasize the "principle of

prevention" in dealing with this situation. They also view repatriation of Colombian refugees as the preferred solution.

¶4. (SBU) Comment: The GOP's decision to not grant refugee status based on guerilla warfare is incorrect, unfounded, and is out of line with the 1951 Refugee Convention. It does not matter that the violence is perpetuated by guerillas; what matters is that these refugees have a legitimate fear of persecution and the Government of Colombia is unable to provide adequate protection. Panama's legalistic maneuvering and wordplay have already chilled its relationship with UNHCR. Embassy, with the assistance of the Regional Refugee Coordinator resident in Bogota, has strived to bring together the GOP, UNHCR, and IOM for a meeting of the minds. This white paper indicates, however, that a gap between Panamanian practices and international norms will persist. Embassy and the Regional Refugee Coordinator will continue to raise our concerns with the GOP.
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